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Nebraska Laws and Rules for Professional Land Surveyors

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Chapter 1

Overview of the Nebraska Land Surveying Laws and Rules

Nebraska Board of Examiners for Land Surveyors

The Nebraska Legislature created the Nebraska Board of Examiners for Land Surveyors (Board) with the charge of protecting life, health, and property and to promote the public welfare. Unlike some other states, Nebraska regulates land surveying independently of engineering: the Board of Examiners for Land Surveyors is a separate body from the Board of Engineers and Architects, which regulates professional engineers. The Board has the power to adopt bylaws, rules, and a code of practice, and to investigate and discipline unauthorized, negligent, incompetent, or unethical practice. The Board reviews applications, administers examinations, licenses qualified applicants, and regulates the professional practice of licensees throughout the state. The Board consists of five members appointed by the Governor of Nebraska for five-year terms: four professional land surveyors licensed under the Land Surveyors Regulation Act, and one lay member representing consumer viewpoints, who must be a Nebraska resident of at least one year prior to appointment. The State Surveyor serves as ex officio secretary of the Board.

Nebraska Statutory Laws

The Nebraska Revised Statutes are a collection of state laws organized by subject area into a code made up of chapters and sections. The Land Surveyors Regulation Act, Nebraska Revised Statutes Sections 81-8,108 to 81-8,127, was enacted by the Nebraska Legislature in the interest of public health and safety to regulate the practice of land surveying in the State of Nebraska. It is continuously updated by laws that create, amend, or repeal statutory material. The Nebraska statutory laws state the law followed by the history of the law, which indicates when it was originally filed and subsequent effective dates of enactment.

Nebraska Board Rules

The Nebraska Administrative Code is a compilation of the rules and regulations of Nebraska's regulatory agencies. It is organized by titles and chapters, with each title representing a department, board, or other agency. Title 234 of the Nebraska Administrative Code, commonly referred to as the Rules and Regulations of the Board, was made under the authority of the Land Surveyors Regulation Act and states the Board's functions with respect to the practice of land surveying. They are continuously updated by the Board. The Board Rules record the rule followed by the history of the rule, which indicates when the rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date.

Selected provisions of the Land Surveyors Regulation Act and the Board's Rules and Regulations are presented in Chapter 2 below.

Nebraska Board Disciplinary Authority

The Nebraska Board of Examiners for Land Surveyors is charged with the duty of issuing licenses to those professional land surveyors it has determined to be qualified. Under Section 81-8,123 of the Land Surveyors Regulation Act, the Board may investigate the actions of any professional land surveyor upon its own motion or upon a sworn written complaint, and, following a hearing under Sections 81-8,124 and 81-8,125, may impose censure or reprimand, probation, practice limitations, a civil penalty of up to ten thousand dollars per offense, revocation or suspension of license, or a cease and desist order. The Board is not authorized to settle boundary line disputes, establish costs for services, correct miscalculations or errors in a survey of real property, or settle contractual disputes. These types of problems are civil matters and are usually settled between the parties involved either in or out of the courts. If wrongdoing by a licensee is proven in court, the Board would like to have certified copies of any orders issued to prevent the wrongdoing from happening again and to take other action as considered appropriate. Likewise, the Board has no powers of restitution, as these are reserved for the courts.

Selected disciplinary case studies illustrating violations of Nebraska's laws and rules for land surveyors are presented in Chapter 3 below.

Chapter 2

Nebraska Laws and Rules for Professional Land Surveyors

Nebraska Laws and Rules for Professional Land Surveyors

The following are excerpts from the Land Surveyors Regulation Act, Nebraska Revised Statutes, Sections 81-8,108 to 81-8,127, and the Rules and Regulations of the Nebraska Board of Examiners for Land Surveyors, Nebraska Administrative Code, Title 234, governing the practice of land surveying in Nebraska. If you wish to review the complete Nebraska Revised Statutes and Nebraska Administrative Code, respectively, please visit the websites at:

<https://nebraskalegislature.gov/laws/statutes.php?statute=81-8,108>
<https://nbels.nebraska.gov/rulesreg.html>

§Title 234, Chapter 1: General Provisions

Section 234-1-001: Professional Land Surveyor or registrant

Professional Land Surveyor or registrant means any person authorized to practice Land Surveying in the State of Nebraska who holds a current active registration with the State Board of Examiners for Land Surveyors.

Section 234-1-002: Examining Board

Examining Board means the Nebraska State Board of Examiners for Land Surveyors.

002.01. A quorum of three members of the Examining Board is required for Board actions.

002.02. The office of the Examining Board is located within the office of the Nebraska State Surveyor. All correspondence and filings should be addressed to "The State Board of Examiners for Land Surveyors" or delivered to this office during normal business hours. When a specified date or time of compliance falls on any Saturday, Sunday, or legal holiday, the deadline will be the next succeeding working day.

Section 234-1-003: Adoption of the Attorney General's Model Rules

003.01. The Examining Board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General's Model Rules, and has incorporated them into these regulations.

003.01.01 Procedures governing Negotiated Rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 1.

003.01.02. Procedures governing Petitioning for Rulemaking will be in accordance with Title 53, Nebraska Administrative Code, Chapter 2.

003.01.03. Procedures governing Declaratory Rulings will be in accordance with Title 53, Nebraska Administrative Code, Chapter 3.

003.01.04. Procedures governing Hearing in Contested Cases Before an Agency will be in accordance with Title 53, Nebraska Administrative Code, Chapter 4.

§Title 234, Chapter 2: Classes of Applicants

Section 234-2-001

Class 1 applicant includes all applicants applying for registration as a professional land surveyor under section 81-8,117 who may be eligible for examination on the basis of having a current surveyor-in-training certificate issued in Nebraska or any other state which maintains standards equal to or greater than those of the State of Nebraska.

Section 234-2-002

Class 2 applicant includes all applicants, who may be residents or nonresidents of the State of Nebraska applying for registration as a professional land surveyor under section 81-8,120 who are currently registered in another state, which maintains standards equal to or greater than those of the State of Nebraska.

Section 234-2-003

Class 3 applicant includes all applicants applying for a surveyor-in-training certificate under section 81-8,109, (3).

Section 234-2-004

Class 4 applicant includes all active registrants applying for inactive registration under section 81-8,119.01.

§Title 234, Chapter 2: Fees and Application for Registration

Section 234-3-001: Fees

001.01 The fee schedule and methods of payment will be set by the Examining Board consistent with statutory authorization.

001.02 All fees are non-refundable.

Section 234-3-002: Application forms

002.01. Class 1, 2, 3, or 4 application forms are available in electronic, paper, or other format as may be prescribed by the Examining Board and, when fully completed with all necessary details, are filed with the Secretary of the Examining Board.

002.01. No application for Class 1, 2, 3, or 4 registration will be accepted unless it is accompanied by the appropriate application fee as set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors. All fees are considered application fees and will not be returned to applicants who are unsuccessful for any reason.

§Title 234, Chapter 4: Examinations

Section 234-4-001

Examinations will be conducted as prescribed by the Land Surveyors Regulation Act, at such times and places as the Examining Board may designate. The Examining Board on its own motion and/or the Secretary of the Examining Board will conduct the examination in a manner which provides security, harmony, reduces the risk of plagiarism and is not in conflict with these rules.

Section 234-4-002

All applications are considered to be a part of the examination and registration process. Each applicant must show to the satisfaction of the Examining Board that the applicant meets at least the minimum requirements set forth in the Land Surveyors Regulation Act before they will be admitted to any examination. Failure to meet the minimum requirements of these sections of the Act shall be interpreted as if it were a failure in the examination with retention of the application fee. However, the Examining Board may table consideration of an application for 1 year wherein the applicant has an experience deficiency of less than 1 year, or other valid reason, and without causing forfeiture of the application fee. Any applicant which has been denied registration as a professional land surveyor in Nebraska due to failure of the examination may be required by the Examining Board to show proof of completion of 15 hours of professional development as defined in Chapter 8, paragraph 002, subparagraphs 002.06, 002.08, 002.10, and/or 002.11 before any new application is approved.

Section 234-4-003

Upon receipt of an application and the application fee, the Secretary of the Examining Board will acknowledge the application and advise the applicant that the routine of making the necessary investigations will be followed and that the applicant will be notified whether the applicant is approved by the Examining Board to take the examination.

Section 234-4-004

A postponement of an examination or reexamination may be granted to any applicant once for each application. Any individual who has received a postponement for either an examination or reexamination is not eligible for postponement a second time and will be required to submit a new application for approval by the Examining Board. If an applicant wishes to postpone an examination the applicant will notify the Secretary of the Examining Board to that effect a minimum of one week prior to the date of said examination. Failure to notify the Secretary of the Examining Board as prescribed and failure to appear for the scheduled examination will be counted as a failure of the examination.

Section 234-4-005

The examinations required for registration as a professional land surveyor are the Principles and Practice of surveying exam (PS exam) administered by the National Council of Examiners for Engineering and Surveying (NCEES) and the Nebraska State Specific examination administered by the Secretary of the Examining Board.

Section 234-4-006

The examination required for registration as a surveyor-in-training is the Fundamentals of Surveying exam (FS exam) administered by the National Council of Examiners for Engineering and Surveying (NCEES).

Section 234-4-007

Each applicant will include a digest of training and experience. No applicant is eligible for examination until they have the minimum experience required by the Land Surveyors Regulation Act.

Section 234-4-008

Each applicant may be called before the Examining Board and/or the Secretary of the Examining Board for a personal interview.

Section 234-4-009

Successful applicants will have passed the relevant examination to qualify for registration. The examination grade is certified by the National Council of Examiners for Engineers and Surveyors (NCEES) and/or the Secretary of the Examining Board. The Secretary of the Examining Board will report to the Examining Board the examination results. Upon receipt of the report, the Examining Board will determine which applicants have passed the examination.

Section 234-4-010

If an applicant fails to qualify for registration due to failure of the examination, the applicant may be re-examined once at the discretion of the Examining Board without submitting a new application.

Section 234-4-011

Upon notification by the Examining Board that an applicant has passed the examination, the applicant will submit the appropriate registration fee as set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors.

Section 234-4-012

The Secretary of the Examining Board will send a pre-exam take-home questionnaire relative to surveying laws in Nebraska to all applicants for registration by reciprocity and such applicants are required to submit the completed questionnaire to the Secretary of the Examining Board prior to testing. The Secretary of the Examining Board administers the Nebraska State Specific examination and interviews all applicants for registration by reciprocity. The interview and examination are required to be completed within 2 years after notification of approval by the Examining Board.

Section 234-4-013

The Examining Board may require the holder of an inactive registration applying for active registration to complete the same examination as a surveyor-in-training applying for registration as a professional land surveyor or the Examining Board may waive the written portion of the examination by allowing the applicant to demonstrate proficiency in land surveying by providing proof of professional development. Proof of professional development includes completing 45 Professional Development Hours (PDHs) as defined in Chapter 8 of these rules. All PDHs will need to be obtained during the actual time the applicant's registration has been inactive. The PDHs will be reported on the form provided by the Examining Board and the applicant will need to provide supporting documentation. Any PDHs which are used to apply for active registration are to be used for that purpose exclusively and will not count in any other capacity in these rules.

Section 234-4-014

When an applicant is rejected for any reason, the unsuccessful applicant will be notified as such by the Secretary of the Examining Board.

§Title 234, Chapter 5: Certificate of Registration

Section 234-5-001

When the Examining Board has determined that an applicant for registration by examination has satisfied the registration requirements set forth herein, the Examining Board will issue a certificate of registration and an official seal containing the professional land surveyor's full name and license registration number.

Section 234-5-002

Upon application, accompanied by a full statement of the circumstances of loss or destruction of the original, a duplicate registration certificate may be issued at the discretion of the Chairperson and/or Secretary of the Examining Board. The fee for issuing a duplicate registration certificate is as set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors.

Section 234-5-003

The duplicate certificate issued will bear the same name and number as the original.

Section 234-5-004

A replacement certificate and seal may be requested from the Examining Board in the event of a legal name change of the registrant. The registrant will need to submit documentation supporting the legal name change, will be responsible to pay for all costs incurred necessary to obtain a replacement seal and will be charged the same fee for a new certificate as when a duplicate certificate is issued.

§Title 234, Chapter 6: The Registered Professional Land Surveyor's Seal

Section 234-6-001: Use of the Seal

001.01. Each person registered as a professional land surveyor will be issued a rubber stamp seal and a digital seal by the Examining Board. The professional land surveyor may use any seal issued by the Examining Board. In the absence of legibility, the seal is invalid.

001.02. The purpose of the seal is to assist in identification of the professional land surveyor responsible for work performed under the authority of the Land Surveyors Regulation Act.

001.03. The responsible professional land surveyor shall identify all work that they have prepared, as well as all work that has been prepared under their direct supervision.

001.04. All specifications, reports, studies, plats, surveys, and any other documents prepared by a professional land surveyor under the authority of the Land Surveyors Regulation Act, should be signed and sealed on the title page or the first page of the document by the individual professional land surveyor responsible for the work. Two or more professional land surveyors may their signatures and seals to the document provided it is designated a statement, surveyor's certificate, or note the specific subject matter for which each is responsible.

001.05. No seal shall be valid unless accompanied by a signature next to or signed across the face of the seal with the professional land surveyor's name and the date on which the document was signed.

001.06. Documents clearly marked as "Draft" or "Preliminary" prepared for submission and review do not require the professional's seal, signature, and date. including documents prepared for a client or governmental agency.

001.07. Professional land surveyors are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means.

Section 234-6-002: Direct Supervision of Work

In order to exercise full professional knowledge of and control over work, a registered professional land surveyor in direct supervision of land surveying work must have ordinary and direct oversight and guidance of a subordinate performing land surveying work including client survey requirements at the time the work occurs, and the supervisor/registrant's acceptance of responsibility for the work.

002.01. Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of examination, evaluation, communication, and direction throughout the development of the work.

002.02. Be personally aware of the project's scope, needs, parameters, limitations, and special requirements.

002.03. Be capable of answering Questions relevant to the land surveying decisions made as part of the services provided, in sufficient detail to demonstrate knowledge of and proficiency in the work.

002.04. Be reasonably satisfied with the product of the services rendered and accept full responsibility for the work.

002.05. Requires at a minimum that the supervisor and the subordinate are employed by the same entity/employer. The Examining Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of a registrant.

Section 234-6-003: Preliminary and Final Plats

003.01. Preliminary plats must be prepared by a professional land surveyor, but are not required to be signed, sealed, or certified.

003.02. Final plats must be prepared, signed, sealed, and certified by a professional land surveyor. If, however, the final plat contains public works features such as paving, sewers, water lines, or other engineering work, such work will need to be prepared and certified by both a professional land surveyor and a professional engineer. Activities defined as land surveying by the Land Surveyors Regulation Act shown upon a final plat are the responsibility of a professional land surveyor. Physical details defined as creative work in engineering sciences by the Engineers and Architects Regulation Act, are the responsibility of a professional engineer.

§Title 234, Chapter 7: Professional Development

Section 234-7-001

As a condition for renewal of a Certificate of Registration for the Practice of Land Surveying in Nebraska, all actively registered professional land surveyors are required to successfully complete 30 hours of professional development within the preceding 2 calendar years. Any certificate holder who completes in excess of 30 hours of professional development within the preceding 2 calendar years may have the excess, not to exceed 15 hours, applied to the next biennium. All Professional Development Hours (PDHs) must be obtained during the time the professional land surveyor's registration has been active. Professional Development Hours specifically for compliance with paragraph 008. of this chapter and/or paragraph 013. of Chapter 4 will not apply to the biennial conditions for renewal and will only be counted toward those specific purposes exclusively.

Section 234-7-002

Professional Development Hours (PDHs) are credited based upon the following list:

002.01. The active full-time teaching of land surveying as defined by the Land Surveyors Regulation Act, at the college level within the immediately preceding 2 calendar years shall be counted as 3 PDHs per calendar year. Partial fulfillment of a calendar year in this rule will not be counted. Maximum credit of 6 PDHs in this category in any renewal period.

002.02. Membership in a local, regional, state or national society which is directly related to the practice of land surveying shall be counted as 1 PDH per society per calendar year with a maximum credit of 4 PDHs in this category in any renewal period.

002.03. Serving as a member of a board or commission which has as its primary duty the registration and review of professional land surveyors, such as a state board of registration, shall be counted as 1 PDH per calendar year.

002.04. Serving as a member of a committee of a board or commission which has as its primary duty the preparation and grading of written tests which are given for the purpose of determining the proficiency of an applicant for registration as a professional land surveyor shall be counted as 5 PDHs per calendar year.

002.05. Organizing a conference or seminar with a duration of a minimum of 4 hours which is directly related to land surveying shall be counted as 1.5 PDHs per conference or seminar.

002.06. Attendance at a workshop, conference, or seminar which is directly related to land surveying shall be counted as 1 PDH per actual hour of attendance. "Attendance at" includes participation on a live interactive video conference. Such sessions must be certified by the sponsoring organization, planned in advance, and a record maintained describing the content.

002.07. Teaching at a workshop, conference, or seminar which is directly related to land surveying shall be counted as 2 PDHs per actual hour of teaching time, not to include any preparation time,

002.08. College level courses directly related to land surveying shall be counted as 30 PDHs per credit hour.

002.09. Non-college level extension or correspondence courses which are directly related to land surveying shall be counted as 15 PDHs per credit hour.

002.10. Publication of and/or presentation at a technical meeting of a professional paper, authored by the writer or presenter, directly related to land surveying shall be counted as 5 PDHs per professional paper. The maximum allowable under this paragraph is 15 PDHs in any renewal period.

002.11. Completion of "on-line" correspondence, televised, videotaped, audiotaped and other non-interactive or pre-recorded short courses/tutorials shall be counted as 1 PDH per actual hour of attendance. An exam is required for completion unless attendance is documented. The maximum allowable under this paragraph is 15 PDHs in any renewal period.

002.12. Completion of a minimum of 2 hours of Professional Development in an ethics course or a course on the Nebraska Land Surveyors Regulation Act is required for each renewal period. This course may be "on-line" or in person and is counted toward any previously established maximum described above.

Section 234-7-003

Each registrant applying for renewal is required to submit a statement of their PDHs obtained in the period defined in this chapter in paragraph 001. Should the registrant desire to have any excess PDHs applied to the requirement for the next biennium it shall be so stated in the space provided on said form. If the Examining Board should, for any reason, deny or modify the registrant's request for carry-over, the Secretary of the Examining Board will notify the registrant of such action on or before the immediately following April 15th. The registrant's renewal application is to be submitted on a form provided by the Examining Board, containing a statement, signed by the registrant, which certifies the correctness thereof. Such statement will be included on the registrant's request for renewal.

Section 234-7-004

The Secretary of the Examining Board will randomly select from the list of potential renewal registrants each biennium a percentage, determined by the Examining Board, to be audited for compliance with paragraph 001. All applicants who have received extensions to complete PDHs in the prior renewal period are automatically added to the audit list. The Examining Board may select for audit any biennial renewal not received on or before January 1st of each odd-numbered year.

Section 234-7-005

Any registrant who has submitted a correctly completed renewal application as required in paragraph 003., has met all other requirements, and whose name does not appear on the audit list defined in paragraph 004., may be granted registration renewal by the Secretary of the Examining Board.

Section 234-7-006

When a registrant whose number appears on the audit list applies for renewal, the Secretary of the Examining Board will obtain documentation from the registrant showing a detailed accounting of the various PDHs claimed by the registrant, review the documentation, and attempt to verify the PDHs shown on the documentation provided by the registrant. Upon completion of the review, the Secretary of the Examining Board will prepare a recommendation to the Examining Board stating whether the registrant's PDHs meet the requirements of paragraph 001. and 002.

Section 234-7-007

The Examining Board will review all documentation and the Secretary of the Examining Board's recommendations of all registrants shown on the audit list. If the Examining Board determines the registrant has met the requirements, the registrant may be granted renewal of their registration. If the Examining Board determines the registrant has not met the requirements, the registrant's registration will not be renewed. Any registrant denied registration by renewal will be notified by the Secretary of the Examining Board.

Section 234-7-008

Any registrant not having obtained the necessary minimum PDH's applying for registration renewal, may request an extension at the time of application for renewal. A valid request is received by the Secretary of the Examining Board prior to the end of the registration biennium and shows good cause as to why the registrant was unable to comply with the biennial renewal regulations described in this chapter. An invalid request for an extension is a request received after the end of the registration biennium and is not eligible for consideration of an extension. The request for an extension will include the reason for the request and any relevant documentation supporting the request. The Examining Board may take into consideration such reasons as extensive travel outside the United States, extended illness of the registrant or immediate family members, or the death of an immediate family member. All valid extension requests are ruled on by the Examining Board and the decision of the Examining Board is final. Invalid extension requests will be automatically denied by the Secretary of the Examining Board.

Section 234-7-009

Any registrant denied renewal pursuant to this chapter, may contest said ruling by filing an appeal within 30 days of denial by the Examining Board. Appellants may be allowed a hearing as prescribed in Chapter 11. Such hearing will be determined at the convenience of the Examining Board and will be held within 90 days of the receipt of the appeal by the Examining Board. The decision of the Examining Board on all such appeals is final. The current registration of the appellant shall be extended during the appeal process and will run from the date of filing of the appeal until the Examining Board reaches a final decision.

§Title 234, Chapter 8: Biennial Renewal

Section 234-8-001

The registration biennium begins on April 1st of odd numbered years and continues until April 1st of odd numbered years.

Section 234-8-002

Prior to November 1st of each even numbered year, the Secretary of the Examining Board will notify all persons currently registered under the Land Surveyors Regulation Act of the current renewal requirements. This notice will include the current biennial fee as set forth in the fee schedule and the form for the reporting of Professional Development Hours.

Section 234-8-003

Any registrant applying for renewal must return the Application for Renewal, Professional Development Form and the appropriate fee as set forth in the fee schedule to be received by the Office of the Secretary of the Examining Board on or before January 1st of each odd numbered year.

Section 234-8-004

Biennial renewal does not apply to the registration renewal of surveyor-in-training certificates.

Section 234-8-005

Upon receipt of the appropriate renewal fee set forth in the fee schedule made payable to the Board of Examiners for Land Surveyors, compliance with all applicable rules, and approval of the Examining Board, the Secretary of the Examining Board will issue a "Renewal of Registration" pocket card to each registrant whose registration is in full force. Such renewal will be for the next biennium unless canceled, suspended or revoked by the Examining Board. The biennial fee is considered an application fee and will not be returned to applicants who are unsuccessful for any reason.

Section 234-8-006

Any registration which has not been renewed for the next biennium will be canceled on April 1st immediately following. The Secretary of the Examining Board will immediately remove said registrant from the active roster and within 15 days, notify said registrant of the cancelation of their registration.

Section 234-8-007

Any registrant so canceled may, on or after April 2nd, reinstate the registration by submitting the Application for Reinstatement of Registration, Professional Development Hours Form, proof of Professional Development Hours, and the appropriate fees. The fee for reinstatement is the same as the biennial renewal fee plus a delinquent fee as set forth in the fee schedule. Upon receipt of the Application for Reinstatement of Registration, Professional Development Hours Form, proof of Professional Development Hours, and the appropriate fees, the Examining Board will consider reinstatement of said registration for the remainder of the biennium at its next regularly scheduled meeting.

Section 234-8-008

Inactive registrants may apply for renewal of inactive registrations by submitting an inactive registration renewal form. Inactive registrants who do not submit an inactive registration renewal form by April 1 of each odd numbered year will be canceled. Inactive registrants are not required to submit proof of Professional Development Hours.

Section 234-8-009

Upon receipt of the appropriate renewal fee set forth in the fee schedule and made payable to the Board of Examiners for Land Surveyors, compliance with all applicable rules, and approval of the Examining Board, the registration of each inactive registrant will be renewed. Such renewal is for the next biennium unless canceled or revoked by the Examining Board. The biennial fee is considered an application fee and will not be returned to applicants who are unsuccessful for any reason.

§Title 234, Chapter 9: Code of Practice

Section 234-9-001: Obligation to the Public

001.01. The registrant, in practicing land surveying, shall be cognizant that their first and foremost responsibility is to the public welfare and act with reasonable care and competence while applying technical knowledge and skill ordinarily applied by professional land surveyors of good standing to safeguard life, health and property of the public.

001.02. The registrant shall approve and seal only those surveys and related documents that conform to the Land Surveyors Regulation Act, Title 234, Nebraska Administrative Code Rules and Regulations, Minimum Standards for Land Surveys in Nebraska, and any other applicable laws within the State of Nebraska.

001.03. The registrant shall notify their employer or client and such other authority as may be appropriate when the registrant's professional judgment is overruled under circumstances where the life, health and property of the public is endangered.

001.04. The registrant shall not knowingly violate any state or federal criminal law in the conduct of their professional practice.

001.05. The registrant shall comply with the laws and rules governing their professional practice in any United States jurisdiction.

001.06. The registrant shall not engage in conduct involving fraud or wanton disregard of the rights of others.

001.07. The registrant shall not engage in grossly immoral or dishonorable conduct which would provide evidence of unfitness to perform the tasks required by clients or would provide evidence of a degree of proficiency which is not sufficient to safeguard life, health and property of the public.

001.08. The registrant possessing knowledge of a violation of these rules and state statutes by another registrant shall report such knowledge to the Examining Board.

Section 234-9-002: Obligation to Employers and Clients

002.01. The registrant shall undertake to perform professional services only when the registrant, together with those whom the registrant may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

002.02. The registrant shall accurately represent to a prospective or existing client or employer their qualifications and the scope of their responsibility in connection with work for which the registrant is claiming credit.

002.03. The registrant shall make full prior disclosures to a prospective or existing client or employer of any conflicts of interest or other circumstances which could influence or appear to influence the registrant's judgment or quality of service.

002.04. The registrant shall not affix their signature or seal to any work pertaining to any technical discipline or specialty in which the registrant lacks lawful registration, education, experience or competence.

002.05. The registrant shall not affix their signature or seal to any work not prepared by the registrant nor to any work not prepared under the registrant's direct supervision without thorough technical review by the registrant.

002.06. The registrant will not offer any gift or monetary payment to a government official, prospective client, existing client, past or present employer with the intent of influencing judgment in connection with any project in which the registrant is interested or has had interest.

Section 234-9-003: Obligation to other Registrants

003.01. The registrant shall not misrepresent their qualifications or allow the misrepresentation of their qualifications, their associates' qualifications, or their academic or professional qualifications. The registrant shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations regarding solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

003.02. The registrant shall not deliberately make a materially false statement or deliberately fails to disclose accurately and completely a material fact requested in connection with their application for registration or renewal or otherwise requested by the Examining Board.

003.03. The registrant shall not assist the application for registration of a person known by the registrant to be unqualified in respect to education, training, experience, or character.

003.04. The registrant shall notify the Examining Board within 30 days if the registrant has been disciplined in another state with a reprimand, censure, suspension, temporary suspension, probation, revocation, voluntary surrender or refusal to renew a registration.

§Title 234, Chapter 10: Enforcement

Section 234-10-001: Initial Review of Complaints and Compliance Issues

001.01 When a complaint is received by the Examining Board in which a professional land surveyor is alleged to have violated the Land Surveyors Regulation Act, or if the Examining Board becomes aware of a compliance issue that may constitute a violation of the Act, the Examining Board may refer the complaint or compliance issue to a committee and/or an investigator, or may consider the complaint or compliance issue without such referral. The Chairperson may appoint a committee and/or an investigator to investigate the active or inactive registered professional land surveyor upon a motion of the Examining Board.

001.02. The committee and/or investigator will make a recommendation to the Examining Board as to:

001.02.01. Whether the matter should be dismissed for lack of probable cause; or

001.02.02. Whether there is probable cause that a violation of the Act has occurred; or

001.02.03. Whether further investigation is required in order to determine whether there is probable cause.

001.03 Upon receipt of a recommendation or upon consideration by the Examining Board, the Examining Board will determine whether there is probable cause and, if so, whether an informal or a formal process should be undertaken to resolve the matter. If the Examining Board finds there is no probable cause, the complaint may be dismissed.

001.03.01. The Board may make a determination on all probable cause with or without having requested a response from the respondent.

001.04. A complaint or compliance issue against any professional land surveyor may be brought in the name of the Examining Board. If any member of the Examining Board discovers a probable violation of the Act, the member may bring it to the Examining Board's attention.

Section 234-10-002 - Informal process

The Examining Board may utilize an informal process as described below in lieu of, or as a prerequisite for, entering into a formal legal process.

002.01. The respondent is entitled to copies of the complaint and all information upon which the probable cause determination was made.

002.02. The Examining Board and the respondent may reach an agreement as to the terms of the resolution of the matter without the respondent's appearance before the Examining Board.

002.03. If an agreement is not reached without the appearance of the respondent, the respondent will be requested in writing to appear before the Examining Board for an informal discussion of the matter.

002.03.01 The Examining Board may, but need not, request any other party involved in the complaint to appear along with the respondent. Such appearance is voluntary and cannot be compelled.

002.03.02 Copies of the documents referred to in Rule 002.01 shall be provided to the respondent no later than the time the request to appear is made.

002.04. At the scheduled meeting with the Examining Board, the Chairperson shall clearly state to the party or parties that the meeting is informal and that no individuals or organizations will be giving up their rights to due process by participating in the informal process.

002.05. The Examining Board may request that a respondent or any other party or parties provide materials, documents, or exhibits prior to the informal hearing to facilitate the discussion with the Examining Board.

002.06. The matter will be resolved if the Examining Board and the respondent can reach terms of mutual agreement on the issues, and a consent agreement or other such document is executed on those terms. Acceptable terms may include, but are not limited to, a requirement for additional professional education, limitations on practice, revision of land surveys, or modification of survey practice.

002.07. The Examining Board may separate issues within a complaint into those that can be resolved with an informal process from those that must be resolved under a formal process.

002.08. The respondent's participation in the informal process is voluntary, not mandatory.

Section 234-10-003 - Formal Process

003.01. The procedure for hearings in matters not resolved by informal process shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

003.01.01. The formal process shall be initiated by the filing of a petition in accordance with the Nebraska Administrative Code. The Board's receipt of a complaint does not constitute initiation of a formal process.

003.02. Any person aggrieved by a final decision in a formal process is entitled to judicial review under the Administrative Procedures Act, or resort to such other means of review as may be provided by law.

Chapter 4

Review of Disciplinary Cases

The following disciplinary cases were extracted from official Board meeting minutes and newsletters published by the Nebraska State Board of Examiners for Land Surveyors (NBELS). The selected cases involve professional land surveyors and illustrate different violations arising from the practice of land surveying in Nebraska.

CASE 1: Complaint 25-1

Violation: Charles G. Lovell, PLS 635 (North Platte), cited for various violations of the Nebraska Land Surveyors Regulation Act, including violations of the Minimum Standards for Surveys in Nebraska, and violations of the requirement to file surveys with the Nebraska State Records Repository under Neb. Rev. Stat. §81-8,122.01.

Case Review: Lovell had previously signed a Settlement Agreement with the Board in September 2024. After he failed to comply with its terms, the Board rescinded an earlier suspension motion and formally refiled the matter as Complaint 25-1 at its March 31, 2025 meeting. Lovell then appeared for a formal hearing at the May 22, 2025 Board meeting, where the Board reviewed his survey and filing compliance failures in executive session before returning to open session to determine next steps.

Board Decision: The Board offered Lovell a settlement agreement with two options for corrective action addressing violations of the standards of practice and the Minimum Standards for Land Surveying, requiring him to choose and sign an option by June 6, 2025.

CASE 2: Complaint 25-2

Violation: Ronald D. Hill, PLS 373, surveys flagged for review under the Land Surveyors Regulation Act/Title 234 NAC.

Case Review: At the September 11, 2025 Board meeting, the Board voted to enter executive session at 10:42 a.m., with Secretary Casey Sherlock, Deputy State Surveyor Jerry Penry, Assistant Attorney General Ben Kinnison, and Admin. Assistant Gerri Monahan present, to discuss Complaint 25-2 and to prevent needless injury to a person's reputation, as the person had not requested a public meeting. The Board returned to regular (open) session at 11:38 a.m., and the Chair confirmed afterward that no subject matter other than the complaint under review was discussed while in executive session.

Board Decision: The Board directed the Secretary to require Hill's attendance at the next meeting to discuss the surveys identified in the complaint's evidence, warning that failure to appear would trigger a formal hearing process.

CASE 3: Complaint 25-3

Violation: Filed by a Ms. Fenstermacher against Jayme M. Malone, PLS 440, alleged statutory/regulatory violation.

Case Review: Reviewed in the same September 11, 2025 executive session described above (10:42 a.m.–11:38 a.m.), alongside Complaint 25-2. The complaint had been filed by Ms. Fenstermacher.

Board Decision: The Board found no probable cause of a violation of the Land Surveyors Regulation Act or the NBELS Rules and Regulations (Title 234 NAC) and dismissed the complaint, with notice sent to both the complainant and PLS 440.

CASE 4: Complaint 24-3

Violation: Unnamed PLS; resolved via negotiated settlement.

Case Review: At the March 31, 2025 Board meeting, the Board voted to enter executive session at 9:19 a.m., with Secretary Casey Sherlock, Deputy State Surveyor Jerry Penry, and Admin. Assistant Gerri Monahan present, to discuss complaints and to prevent needless injury to the reputation of a person, as the person had not requested a public meeting. A professional land surveyor was present from 9:50 a.m. to 11:04 a.m. to discuss the matter. The Board returned to regular (open) session at 12:04 p.m., and the Chair confirmed afterward that no subject matter other than complaints was discussed while in executive session.

Board Decision: The Chair was authorized to sign a Settlement Agreement with the surveyor, closing Complaint 24-3.

CASE 5: Complaint 24-5

Violation: Unnamed PLS; complaint reviewed and found not to warrant further action.

Case Review: At the March 31, 2025 Board meeting, the Board voted to enter executive session at 9:19 a.m., with Secretary Casey Sherlock, Deputy State Surveyor Jerry Penry, and Admin. Assistant Gerri Monahan present, to discuss complaints and to prevent needless injury to the reputation of a person, as the person had not requested a public meeting. A professional land surveyor was present from 9:50 a.m. to 11:04 a.m. to discuss the matter. The Board returned to regular (open) session at 12:04 p.m., and the Chair confirmed afterward that no subject matter other than complaints was discussed while in executive session.

Board Decision: The Board voted to close Complaint 24-5 with no further action, and the surveyor was notified accordingly.

Appendix A

References

State Board of Licensure for Professional Engineers and Land Surveyors. *Nebraska Administrative Code and Revised Statutes* .

<https://nebraskalegislature.gov/laws/statutes.php?statute=81-8,108>

<https://nbels.nebraska.gov/rulesreg.html>

Nebraska State Board of Examiners for Land Surveyors. (2025, May 22). *Board meeting minutes, May 22, 2025*. <https://nbels.nebraska.gov/pdf/minutes/250522.pdf>

Nebraska State Board of Examiners for Land Surveyors. (2025, March 31). *Board meeting minutes, March 31, 2025*. <https://nbels.nebraska.gov/pdf/minutes/250331.pdf>

Nebraska State Board of Examiners for Land Surveyors. (2025, September 11). *Board meeting minutes, September 11, 2025*. <https://nbels.nebraska.gov/pdf/minutes/250911.pdf>